

REMARKS

Applicants submit this Amendment in reply to the Final Office Action mailed November 16, 2004, and in response to the Advisory Action mailed June 3, 2005. Applicants have amended claims 39 and 58, and have added new claims 111-158. Claims 39-62 and 11-158 are pending in the above-captioned patent application.

At the outset, Applicants note that claims 39 and 58 have been amended to recite “wherein the longest transversal groove of the axially opposed group of transversal grooves extends from said one of the axially opposed shoulder zones and terminates at a location between the equatorial plane and the sidewall opposite said one of the shoulder zone.” Support for the changes to claims 39 and 58 may be found, for example, in Figure 2, which illustrates a transversal groove 15a extending on either side of the equatorial plane Y-Y of the tire and terminating in the equatorial zone E. (See also, for example, page 18, lines 5-9). Applicants further note that support for “wherein the substantially-continuous tread portions extend from said axially-opposed shoulder zones towards the equatorial plane of the tire to form a structurally stiff grid of elastomeric material portions fitted in with one another,” as recited in claims 111 and 130, may be found in the specification, for example, on page 4, lines 27 -30 . In addition, support for “wherein the substantially-continuous tread portions are provided about an axis such that during tire rolling, stresses imparted to the substantially-continuous tread portions are discharged along the axis,” as recited in claims 135 and 154 may be found in the specification, for example, on page 11, lines 19-22.

Claim Rejections Under 35 U.S.C. § 103(a)

In the Final Office Action, the Examiner rejected claims 39 -53 and 55 -58 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 2,104,532 to Sommer (“Sommer”)

in view of Great Britain Patent No. 2,224,472 (“Great Britain ‘472”), alleged admitted prior art (specification page 3, lines 1-5, “AAPA”) and Japanese Publication No. 6-247109 (“Japan ‘109”) and optionally U.S. Patent No. 1,996,418 to Hargraves (“Hargraves”). The Examiner also rejected claim 54 under 35 U.S.C. § 103 (a) as being unpatentable over Sommer, Great Britain ‘472, AAPA, Japan ‘109, and optionally Hargraves, and further in view of European Patent Application No. 565,270 to Himuro (“Himuro”). The Examiner further rejected claims 59 –62 under 35 U.S.C. § 103 (a) as being unpatentable over Sommer, Great Britain ‘472, AAPA, Japan ‘109 and optionally Hargraves, and further in view of European Patent Application No. 722,851 to Guspodin et al (“Guspodin”).

Applicants respectfully traverse the Examiner’s rejection of claims 39-53 and 55-58 under 35 U.S.C. § 103 (a), the rejection of claim 54 under 35 U.S.C. § 103(a), and the rejection of claims 59-62 under 35 U.S.C. § 103(a). Applicants respectfully submit that independent claims 39 and 58, as amended, are not obvious over the applied references, at least for the reasons already of record and the reasons discussed below.

To establish a *prima facie* case of obviousness over a single reference or a combination of references, the Examiner “bears the initial burden of factually supporting any *prima facie* conclusion of obviousness.” *Cf. In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988). Specifically, the Examiner must prove such a desire to combine references with “substantial evidence” that is a result of a “thorough and searching” factual inquiry. *In re Lee*, 277 F.3d 1338, 1343-1344 (Fed. Cir. 2002). The Federal Circuit has on numerous occasions stated that to establish a *prima facie* case of obviousness an Examiner must show that the references, taken alone or in combination, (1) teach all the present claim limitations; (2) would have suggested to or provided motivation for one of ordinary skill in the art to make the claimed invention; and (3) would have

provided one of ordinary skill with a reasonable expectation of success in so making. *See In re Vaeck*, 20 U.S.P.Q.2d 1438, 1442 (Fed. Cir. 1991) (*citing In re Dow Chemical Co.*, 837 F.2d 469, 473, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988)). “Both the suggestion and the reasonable expectation of success must be found in the prior art reference, not in the applicant’s disclosure.” *In re Vaeck* at 1442 (emphasis added).

Both claims 39 and 58 recite “wherein the longest transversal groove of the axially opposed group of transversal grooves extends from said one of the axially opposed shoulder zones and terminates at a location between the equatorial plane and the sidewall opposite said one of the axially-opposed shoulder zones.” The applied references at least fail to teach or suggest this claimed feature.

Sommer, Great Britian ‘472, Japan ‘109, and Himuro each disclose a groove which extends from the side of the tire and terminates at or before the equatorial plane. See Sommer, page 3, column 1, lines 2-3 and Figure 8; Great Britain ‘472, page 6, lines 20 -25 and Figure 2; Japan ‘109, Figure 2; and Himuro, Figure 1. Moreover, Hargraves and Guspodin show a groove which extends from one sidewall of the tire to the other. See Hargraves, Figure 1, reference numeral 17a; Guspodin Figure 2, reference numeral 38.

None of these references, however teaches or suggests “the longest transversal groove of the axially opposed group of transversal grooves extends from said one of the axially opposed shoulder zones and terminates at a location between the equatorial plane and the sidewall opposite said one of the axially-opposed shoulder zones” (emphasis added). In light of the above-described deficiencies of Sommer, Great Britain ‘472, AAPA, Japan ‘109, Hargraves, Hinuro, and Guspodin, Applicants submit that claims 39 and 58 are allowable over the applied

references, and claims 40 - 57 and 59 - 62 are allowable at least due to their dependence from claims 39 and 58.

Newly Added Claims 111-158

Applicants submit that new claims 111 -158 are patentable over Sommer, Hargraves, Great Britain '472, Japan '109, AAPA, Himuro and Guspodin. New independent claims 111 and 130 recite, among other things, "wherein the substantially-continuous tread portions extend from said axially-opposed shoulder zones towards the equatorial plane of the tire to form a **structurally stiff grid** of elastomeric material portions fitted in with one another" (emphasis added).

The applied references are entirely silent as to such improved performances, and thus fail to teach the claimed "structurally stiff grid" as recited in new independent claims 111 and 130. For example, the treads of Sommer's tire are positioned for mobility of the tread portions defined between consecutive transversal grooves instead of the claimed rigidity or stiffness. See pg. 2, column 1, lines 40-111. Therefore, Sommer clearly teaches away from the claimed "structurally stiff grid."

In addition, Applicants note that claimed structurally stiff grid, for example, is adapted not only to ensure an adequate performance of the tire, but also to maintain substantially constant—independent of the wear conditions of the tread—performance of the tire in general and, in particular, grip on dry and wet ground, traction, lateral stability, and noise. See Specification, pg. 3, lines 25-29.

Claims 111 and 130 are allowable for at least these reasons. Claims 112 -129 and 131 - 134 are allowable at least due to their dependency from claims 111 and 130 respectively.

In addition, new independent claims 135 -158 each recite “wherein the substantially-continuous tread portions are provided about an axis such that during tire rolling, stresses imparted to the substantially-continuous tread portions are discharged along the axis.” Applicants note that the Office Action cites portions of the applied references which are silent as to the stresses induced on a tire, and therefore necessarily fail to teach or suggest the claimed limitation “wherein the substantially-continuous tread portions are provided about an axis such that during tire rolling, stresses imparted to the substantially-continuous tread portions are discharged along the axis” as recited in new claims 135 and 154. Claims 135 and 154 are therefore allowable for at least this reason. Further, claims 136-153 and 155-158 are allowable at least due to their corresponding dependence from claims 135 and 154.

Claim Scope

In discussing the specification, claims, abstract, and drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants believe that Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Summary

In view of the foregoing amendments and remarks, Applicants submit that this Amendment does not raise any new issues requiring further consideration and/or search. Accordingly, Applicants respectfully request entry of this Amendment, reconsideration and reexamination of this Application, and a timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By: _____


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